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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MCCALL, ERIC SCOTT

ART UNIT PAPER NUMBER

2855

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

10/644,907

### Applicant(s)

BOECK ET AL.

### Examiner

Eric S. McCall

### Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1,2,8,9,11,12 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 3-7 and 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**TEST STAND WITH TIPPING DEVICE FOR MOTOR VEHICLES**

**NON-FINAL OFFICE ACTION**

In response to the Applicant's Request for Continued Examination dated March 27, 2006.

**CLAIMS**

**35 U.S.C. § 102(b)**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 8, 9, 11, 12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (2,929,519).

With respect to amended independent claim 1, Taylor suggests (Fig. 1) a stand having a tipping device comprising:

- a lower frame unit (the base frame assembly 12);
- an upper frame unit (the pair of supporting rails 16) configured to tip relative to the lower frame unit; and

- four lifting units (two fore 14 and two aft 15 linkage assemblies; Fig. 5) respectively disposed in corner zones of the frame units, each of the lifting units including a respective piston rod extendible in a direction *at least* substantially orthogonal to the lower frame unit and connected to the upper frame, and operable to independently tip the upper frame (each lifting unit includes a cylinder which provides the ability for each lifting unit to move independently of the other lifting units).

It is noted that the phrase “Test stand for motor vehicles” in the preamble of claim 1 has not been given patentable weight because the body of the claim does not rely upon the said phrase for completeness (ie. the body of the claim does not require a test stand for a motor vehicle).

With respect to the Applicant’s amendment to claim 1 that each piston rod extends in a direction *at least substantially* orthogonal to the lower frame, the prior art of Taylor does suggest that each piston rod extends in a direction at least substantially orthogonal to the lower frame as claimed. Figures 4 and 6 of Taylor show a lower frame unit (12) which is angled upward towards

the middle thereof. When the piston rod of the cylinder (48) extends and raises the upper frame unit, there comes a point in time when the piston rod is substantially orthogonal to the lower frame unit because of the angle in the lower frame unit. This point in time is approximately shown in Figure 6 of Taylor because if a line was drawn along the extending piston rod, that line would be *at least substantially orthogonal* to the lower frame unit as claimed.

With respect to claim 2, Taylor suggests in Fig. 1 the lower frame unit and the upper frame unit are interconnected exclusively via the lifting units (Fig. 6).

With respect to claim 8, Taylor suggests the four lifting units being configured exclusively for tipping the upper frame unit (Fig. 5).

With respect to claim 9, Taylor suggests the lifting units are controlled with a control terminal via a central control unit (Fig. 1; 81-84, 86).

With respect to independent claim 11, Taylor suggests a stand having a tipping device comprising:

a lower frame unit (12);

an upper frame unit (the pair of supporting rails 16) configured to tip relative to the lower frame unit; and

lifting means (two fore 14 and two aft 15 linkage assemblies; Fig. 5) attached to the lower frame unit and connectable to the upper frame that tip the upper frame, the lifting means including piston rods extendible in a direction at least substantially orthogonal to the lower frame unit and connected to the upper frame, and providing the sole source of tipping because Figures 4 and 6 of Taylor show a lower frame unit (12) which is angled upward towards the middle thereof, and thus when the piston rod of the cylinder (48) extends and raises the upper frame unit, there comes a point in time when the piston rod is substantially orthogonal to the lower frame unit because of the angle in the lower frame unit. This point in time is approximately shown in Figure 6 of Taylor because if a line was drawn along the extending piston rod, that line would be *at least substantially orthogonal* to the lower frame unit as claimed.

It is noted that the phrase “Test stand for motor vehicles” in the preamble of claim 11 has not been given patentable weight because the body of the claim does not rely upon the said phrase for completeness (ie. the body of the claim does not require a test stand for a motor vehicle).

With respect to claim 12, Taylor suggests the lifting means being disposed in corner zones of the frame units (Fig. 1).

With respect to claim 14, Taylor suggests that the piston rods are independently operable (col. 5, lines 1-9).

With respect to claim 15, Taylor suggests the lifting means being operable to tilt any load thereon, and thus a vehicle, in at least one of a longitudinal and transverse direction relative to an axis of the load/vehicle (Figs. 1 & 5).

35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (2,929,519).

With respect to independent claim 16, Taylor suggests a test stand having a tipping device comprising:

a lower frame unit (12);

an upper frame unit (the pair of supporting rails 16) configured to tip relative to the lower frame unit; and

lifting units (two fore 14 and two aft 15 linkage assemblies; Fig. 5) extendable in an axial direction, each of the lifting units operable to independently (col. 5, lns 1-9) tip the upper frame.

Taylor fails to explicitly teach the upper frame unit configured to secure a motor vehicle. However, it would have been obvious to one having ordinary skill in the art armed with said teaching that the upper frame unit of Taylor could be used to secure a motor vehicle.

The motivation being that Taylor sets forth that the upper frame unit thereof can be used to handle heavy equipment and the like. Since a motor vehicle is “heavy equipment”, supporting a motor vehicle on the upper frame unit would be in the realm of one having ordinary skill in the art.

With respect to claim 17, Taylor suggests each of the lifting units being independently extendable (col. 5, lines 1-9).

With respect to claim 18, Taylor suggests the lifting units being operable to tilt any load thereon, and thus a vehicle, in at least one of a longitudinal and transverse direction relative to an axis of the load/vehicle (Figs. 1 & 5).

With respect to claim 19, Taylor suggests the lifting units comprising four piston rods (the piston rods of each of the respective cylinder hoists, 48) disposed in corner zones of the frame units (Fig. 1).



*Allowable Subject Matter*

Claims 3-7 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 20 has been found to be allowable over the prior art.

**CONTACT INFORMATION**

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric S. McCall whose telephone number is (571) 272-2183.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric S. McCall  
Primary Examiner  
June 06, 2006

